

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**JERALD FRANCIS GRAY**

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**Case No. 7:22-CR-00001**

**GOVERNMENT’S MOTION FOR PERMISSION TO FILE A SECOND RESPONSE TO  
THE DEFENDANT’S OBJECTION TO A PROTECTIVE ORDER**

The United States of America, by counsel, hereby moves for permission to file a Second Response to the Defendant’s Reply arising from the underlying defense motion styled “Defendant’s Objection to Government’s Motion for a Protective Order.” In the Defendant’s Reply, the counsel for the Defendant made a factual representation to the Court that is false and misleading. Since the false and misleading representation pertains to a material issue before the Court, the government is seeking permission from the Court to file a Second Response to ensure that the record is clear and factually accurate prior to tomorrow’s hearing.

Respectfully submitted,

CHRISTOPHER R. KAVANAUGH  
United States Attorney

/s/ Matthew M. Miller

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2022, I caused to be filed electronically the Government's Motion to File a Second Response to the Defendant's Reply Out of Time with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Matthew M. Miller

Assistant United States Attorney

VA Bar No. 43034